

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

Criminal No. 06-20234

Civil No. 14-13557

AHMAD DANIELS,

Hon. John Corbett O'Meara

Defendant/Petitioner.

**ORDER DENYING MOTION FOR
CERTIFICATE OF APPEALABILITY**

Before the court is Petitioner Ahmad Daniels's motion for a certificate of appealability, filed January 6, 2015. The court denied Petitioner's motion to vacate sentence under 28 U.S.C. § 2255 on December 18, 2014. Petitioner filed a notice of appeal to the Court of Appeals for the Sixth Circuit on January 6, 2015.

Petitioner may appeal the denial of his § 2255 motion if this court or the Sixth Circuit grants a certificate of appealability under 28 U.S.C. § 2253(c). See Fed. R. App. P. 22(b)(1). The court may issue a certificate of appealability if the petitioner has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

[T]he petitioner need not show that he should prevail on the merits. He has already failed in that endeavor. Rather, he must demonstrate that the issues are debatable

among jurists of reason; that the court could resolve the issues [in a different manner]; or that the questions are “adequate to deserve encouragement to proceed further.”

Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983) (citations omitted); Hence v. Smith, 49 F. Supp. 2d 547, 549 (E.D. Mich. 1999).

Petitioner claims that his counsel was ineffective during jury selection and at his re-sentencing. For the reasons explained in its December 18, 2014 order, the court finds that the issues are not “debatable” and that Petitioner has not made a substantial showing of a denial of a constitutional right. See Docket No. 360.

Accordingly, IT IS HEREBY ORDERED that Petitioner’s motion for a certificate of appealability is DENIED.

s/John Corbett O’Meara
United States District Judge

Date: February 17, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 17, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager